

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	
)	ORDER GRANTING MOTION TO
vs.)	DISMISS DEFENDANT
)	
10,150 Square Feet of Land in City of)	Case No. 4:06-cv-073
Portal, Burke County, North Dakota,)	
David Gunderson, et al., and Unknown)	
Owners,)	
)	
Defendants.)	

Before the Court is a “Motion to Dismiss” filed on July 18, 2006. See Docket No. 19. The Government requests that the North Dakota State Tax Commissioner be dismissed pursuant to Rule 21 and 71A(i)(3) of the Federal Rules of Civil Procedure. According to the Government, the North Dakota State Tax Commissioner was named as a possible claimant in the action in the event the state entity had a claim for unpaid taxes on the property involved in the action. The North Dakota State Tax Commissioner was served with the Notice of Condemnation and has not made an appearance to present a claim for taxes. Robert W. Wirtz, Special Assistant Attorney General for the State of North Dakota, has advised the Government that the Tax Commissioner asserts no interest in this matter and will not file an answer. See Docket No. 19-2.

The Court **GRANTS** the Government’s motion to dismiss. (Docket No. 19) and **ORDERS** that the North Dakota State Tax Commissioner be dismissed without prejudice from this action.

Dated this 19th day of July, 2007.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court